

2 July 1947

Final Draft
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MEMORANDUM FOR LEGISLATIVE LIAISON OFFICER

Subject: Explanatory Notes on Statutes Cited for
Proposed Legislation - Draft of 9 June 1947

The proposed bill is considered by sections and notes
made on statutes cited therein.

SECTION 2(b)(2):

1. 10 U.S.C. 576 provides that any Army officer
who accepts a civil office shall cease to be an officer
of the Army, and his commission vacated. This statute
is explicit, and specific exception should be made in
the proposed legislation. Note that there is no such
blanket prohibition on Navy officers, and consequently
no statute is cited for them.

2. The Foreign Service Act of 1946 permits assignment
of Foreign Service officers to other agencies, but
makes special provision for assignment to the Department
of State, which to our mind makes unclear the individual's
status when assigned to another agency; consequently,
specific exception was again made to prevent confusion.

SECTION 2(b)(3):

This section is intended to permit employment of
any retired officer of the named services. For this
purpose it is necessary to make exception to the pro-
visions of:

1. 5 U.S.C. 58, which prohibits more
than one salary from appropriated funds when
the combined amount exceeds \$2000;

2. 5 U.S.C. 59 which qualifies 58 by
certain exceptions;

3. 5 U.S.C. 59(a) which prohibits re-
tired officers from receiving retired pay if
the combined civilian and retired pay exceeds
\$3000 per annum except as to officers retired
for combat disability or disabilities result-
ing from explosion of instrumentality of war

SECTION 4(7):

The Act of August 24, 1942 [37 Stat. 555, 5 U.S.C. 652] prohibits removal of classified civil service employees except for such cause as will promote the efficiency of the Service, and for reasons given in writing, with notice to the person affected of the charges preferred. Such a prohibition is not consistent with the peculiar security requirements of an intelligence agency. The further phrase " * * * or the provisions of any other law * * *" is included to eliminate other restrictions such as special status given to veterans and general administrative limitations on the discharge of employees.

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